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| APPLICATION NO.                                 | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/088,094                                      | 06/13/2002  | Youichi Hashimoto    | 020312              | 7145             |
| 23850   | 7590        | 11/06/2003           | EXAMINER            |                  |
| ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP |             |                      | MCCLOUD, RENATA D   |                  |
| 1725 K STREET, NW                               |             |                      | ART UNIT            |                  |
| SUITE 1000                                      |             |                      | PAPER NUMBER        |                  |
| WASHINGTON, DC 20006                            |             |                      | 2837                |                  |

DATE MAILED: 11/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/088,094

Applicant(s)

HASHIMOTO, YOUICHI

Examiner

Renata McCloud

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 11 August 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. In response to the amendment filed 11 August 2003, paper number 9, the following has occurred:

(a) The objection to the specification has been withdrawn by the examiner due to the changes made by the applicant.

(b) The objections to the drawings have been withdrawn by the examiner due to the changes made by the applicant.

(c) The claim objections have been withdrawn by the examiner due to the changes made by the applicant.

***Drawings***

2. The drawings were received on 11 August 2003. These drawings are approved.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Swanson et al (U.S. Patent 4,469,993).

***Swanson et al teach:***

**Claim 1:** A method for preparing a speed instruction pattern fed to a servo motor in a positioning device, comprising calculating a desired speed pattern when a moving distance, speed, acceleration time and deceleration time are inputted is provided (Col. 3:55-4:5), and the speed pattern preparation cycle is specified by a user without changing the speed data maximum value and minimum resolution of the speed data changed (Col. 3:16-31, teaches a maximum velocity and decelerating to a stand still).

**Claim 2:** a combination of the speed data maximum value and minimum resolution is selected by a user (Col. 8:42-60).

**Claim 4:** A positioning device using a servo motor, comprising: a moving instruction input unit (Fig. 5:210), a speed pattern preparation cycle unit (e.g. Fig. 5:200; Fig. 6) inputting a speed pattern specified by a user without changing a maximum value of the speed data and a minimum resolution of the speed data (e.g. Fig. 5:200); a speed pattern preparation unit preparing a speed instruction pattern based on the moving instruction, the speed data, and the speed pattern preparation (Fig. 5:200,246), a speed instruction unit outputting a speed instruction per cycle based on the speed instruction pattern from the speed pattern preparation unit (Fig.5: 210,240; Col. 6:57-63); and a servo control unit driving the servo motor based on the speed instruction from the speed instruction unit (Fig. 5:190; Col. 6:67-7:5).

***Allowabl Subject Matter***

5. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

6. In response to applicant's argument that Swanson et al do not teach specifying a speed pattern without changing a maximum value of the speed data and a minimum resolution of the speed data, Swanson teaches a machine accelerated to a maximum velocity (see Col. 3:35-36), and decelerated to a stand still, which is the minimum velocity (see Col. 3: 36-38). The examiner agrees with applicant that Swanson et al teach varying the velocity, however the velocity is varied between a maximum velocity and a minimum velocity. This maximum velocity and minimum velocity do not change. The claim limitation "specifying a speed pattern without changing a maximum value of the speed data and a minimum resolution of the speed data" is broad. As in claim 1, the "speed data" includes velocity, acceleration, deceleration, and distance. The limitation does not limit the claimed invention to any specific one of these types of "speed data". There is nothing in applicant's claim language that precludes the examiner from reading Swanson et al as meeting the claimed limitations.

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***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lewis (U.S. 4,751,441) teaches a constant maximum velocity, Hammond et al (U.S. 4,831,315) teaches a continuous maximum speed, and Okada et al (U.S. 6,571,138).

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Renata McCloud whose telephone number is (703) 308-1763. The examiner can normally be reached on Mon.- Fri. from 8 am - 5pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi can be reached on (703) 308-3370. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Renata McCloud  
Examiner  
Art Unit 2837

RDM



**ROBERT NAPPI**  
**SUPERVISORY PATENT EXAMINER**